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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06 0326 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	PROTECTIVE ORDER RE: DISCOVERY
v.)	OF CHILD PORNOGRAPHY
)	
CLIFFORD DURHAM,)	SAN FRANCISCO VENUE
)	
Defendant.)	
)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters the following order:

Defendant is charged with certain offenses pertaining to the transportation and possession of child pornography, in violation of 18 U.S.C. § 2252. The United States will produce to counsel for the defendant in this case discovery, including digital media, that contains images of child pornography. Pursuant to the child victim privacy provisions of 18 U.S.C. § 3509(d) and Federal Rule of Criminal Procedure 16, the United States requests that disclosure of these materials be subject to the following restrictions:

1. Except when being actively examined for the purpose of the preparation of the defense of

STIPULATION AND [PROPOSED] PROTECTIVE ORDER

defendant Clifford Durham, the digital and/or paper media produced by the United States to defense counsel, Mr. Ronald Tyler, shall be maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only to Mr. Tyler, members of his trial preparation working with him to prepare Mr. Durham's defense, and his investigator. Mr. Tyler, members of his trial preparation team, and the investigator shall not permit any person access of any kind to the digital and/or paper media or information related to child victims except as set forth below.

2. The following individuals may examine the digital and/or paper media for the sole purpose of preparing the defense of defendant Clifford Durham and for no other purpose:

- a. Counsel for the defendant, Ronald Tyler;
- b. Persons employed by the Office of the Federal Public Defender who are assisting with the preparation of Clifford Durham's defense;
- c. Defendant Clifford Durham, but only in the presence of his attorney;
- d. Any expert(s) retained on behalf of defendant Clifford Durham to assist in the defense of this matter; and
- e. Any investigator(s) retained on behalf of defendant Clifford Durham to assist in the defense of this matter.

3. A copy of this order shall be maintained with the digital and/or paper media at all times.

4. All individuals other than Mr. Tyler and Clifford Durham who receive access to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy of this Order acknowledging that:

- a. They have reviewed the Order;
- b. They understand all its contents;
- c. They agree that they will only access the digital media for the purposes of preparing a defense for defendant Clifford Durham;
- d. They will not make any copies of any image files within the digital media without further order of the Court;
- e. They will not access the digital media from any computer that is connected to the

- Internet or to any local network; and
- f. They understand that failure to abide by this Order may result in sanctions by this Court and in state or federal criminal charges for possession or dissemination of child pornography.
5. The orders referenced in paragraph 4 signed by persons employed by the Office of the Federal Public Defender who are assisting with the preparation of Clifford Durham's defense shall be maintained by the Federal Public Defender, Barry J. Portman, and shall be available for review by the Court upon the Court's request.
6. With regard to all other orders signed pursuant to paragraph 4, counsel for Clifford Durham, Mr. Tyler, shall promptly file signed copies of the Order, ex parte and under seal. The United States shall have no access to these signed copies without further order of the District Court.
7. No other person may be allowed to examine the material without further court order. Examination of the digital and/or paper media shall be done in a secure environment which will not expose the materials to other individuals not listed above.
8. No copies of any image files contained in the digital and/or paper media may be made without further court order. The prohibition on copying includes (1) printing out images onto paper or film and (2) duplicating the images in any digital format. Non-image files such as word processing files, e-mails, and other text files may be duplicated to the extent necessary to prepare the defense of this matter.
9. The computer from which the digital media will be accessed shall not be connected to the Internet or to any other computer network.
10. Any pleadings that include or make reference to the above-described materials or their contents shall be filed under seal.
11. Within five court days of the judgement and sentencing hearing in this matter, all material provided to defense counsel pursuant to this Order, and all other authorized copies, if any, shall be returned to the United States. The United States shall destroy them. If defendant believes that he must maintain the material for any reasons related to

1 appeal, defendant must seek authorization from the District Court within five days of the
2 sentencing and judgment in this matter.

3
4 SO STIPULATED:

5 KEVIN V. RYAN
6 United States Attorney

7 Dated: 6/8/06


8 By: /s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

9
10 Dated: 6/28/06

11 /s/
RONALD TYLER
12 Attorney for Defendant

13 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be
14 restricted as set forth above.

15
16
17 Dated: _____

18 
SUSAN ILLSTON
United States District Court Judge